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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0748 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))
RONALD J. WEINHEIM,)	
)	
Defendant.)	

With the agreement of the parties in open court, and with the consent of defendant Ronald J. Weinheim, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from June 20, 2008 through July 25, 2008, the date of the defendant's next appearance before this Court. The parties agree, and the Court finds and holds, as follows:

1. Defendant made his initial appearance before this Court on March 14, 2008. The parties appeared at a status hearing on June 20, 2008. Defendant, who lives in New York, was not present due to a recent hip replacement. Through his counsel, on June 20, 2008, defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested

continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case. In addition, defendant's physical inability to travel to California constitutes time properly excluded under the Speedy Trial Act. 18 U.S.C. § 3161(h)(3)(A).

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from June 20, 2008 through July 25, 2008 outweigh the best interest of the public and the defendant in a speedy trial. *Id.* at § 3161(h)(8)(A).

IT IS SO STIPULATED.

DATED: July 9, 2008

\s\
BRENDAN CONROY
Attorney for Defendant

DATED: July 9, 2008

\s\
ALLISON MARSTON DANNER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____

HON. SUSAN ILLSTON
United States District Judge